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**PROCEDURES FOR  
INDIAN YOUTH**

Juvenile Justice staff who are working with an Indian youth must follow the procedures outlined in this policy if:

- The Indian youth is charged with any of the following status offenses:
  - (1) The juvenile has deserted his or her home without sufficient cause, and the court finds on the record that the juvenile has been placed or refused alternative placement or the juvenile and the juvenile's parent, guardian, or custodian have exhausted or refused family counseling.
  - (2) The juvenile is repeatedly disobedient to the reasonable and lawful commands of his or her parents, guardian, or custodian, and the court finds on the record by clear and convincing evidence that court-accessed services are necessary.
  - (3) The juvenile willfully and repeatedly absents himself or herself from school or other learning program intended to meet the juvenile's educational needs, or repeatedly violates rules and regulations of the school or other learning program, and the court finds on the record that the juvenile, the juvenile's parent, guardian, or custodian, and school officials or learning program personnel have met on the juvenile's educational problems and educational counseling and alternative agency help have been sought. As used in this sub-subdivision only, "learning program" means an organized educational program that is appropriate, given the age, intelligence, ability, and psychological limitations of a juvenile, in the subject areas of reading, spelling, mathematics, science, history, civics, writing, and English grammar.

If the court finds on the record that voluntary services have been exhausted or refused, concurrent jurisdiction in proceedings concerning a juvenile between the ages of 17 and 18 found within the county who is 1 or more of the following:

- (1) Repeatedly addicted to the use of drugs or the intemperate use of alcoholic liquors.

(2) Repeatedly associating with criminal, dissolute, or disorderly persons.

(3) Found of his or her own free will and knowledge in a house of prostitution, assignation, or ill-fame.

**Exception:** Certain prostitution related offenses may be set aside; see MCL 712A.18e.

(4) Repeatedly associating with thieves, prostitutes, pimps, or procurers.

(5) Willfully disobedient to the reasonable and lawful commands of his or her parents, guardian, or other custodian and in danger of becoming morally depraved.

**AND/OR**

- The Indian youth is the subject of a protective proceeding.

ICWA does not apply if the Indian youth committed an offense that would be a crime if committed by an adult unless that Indian youth is also the subject of a protective proceeding.

**TRIBAL REQUESTS**

**Tribal Custody**

If the assumes custody of the child, see NAA 315 Transfer to Tribal Agency/Court policy and utilize the DHS-120B Transfer to Tribal Agency/Court form.

**Timeframes for  
Request for Records**

Caseworkers must provide the Indian child's tribe that is a party to a case or the Midwest Bureau of Indian Affairs (as designated for Michigan by the Secretary of the Interior) all records for every child in all custody proceedings within **seven** calendar days of a request according to PSM 717-4 and SRM 131 (MCL 712B.11).

**LEGAL BASIS**

Bureau of Indian Affairs (BIA) ICWA Final Rule, 25 CFR 23.

Fostering Connections to Success and Increasing Adoptions Act, 42 USC 675 et seq.

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.

Patient Protection and Affordable Care Act, 42 USC 18001 et seq.

Probate Code of 1939 (Act 288), MCL 712A.2(a) (2) -(4) or (d).